

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEXON COMPUTER INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC. and CDW
CORPORATION,

Defendants.

Civil Action No. 5:22-cv-00053-RWS-JBB

JURY TRIAL DEMANDED

JOINT MOTION *IN LIMINE*

Plaintiff Dexon Computer, Inc. (“Dexon”) and Defendants Cisco Systems, Inc. and CDW Corporation (together, “Defendants”), (collectively, “the Parties”) file this Joint Motion *in Limine* and state:

The Parties respectfully request an Order *in Limine* precluding each party, its attorneys, and all of the witnesses of each party from mentioning or referring to, directly or indirectly, or attempting to introduce evidence regarding, any of the matters set forth below in the presence of prospective or actual jurors until a party’s attorney, approaches the Court outside the presence of prospective or actual jurors and obtains a ruling on admissibility.

The following are the motions *in limine* that the parties have agreed to:

1. The parties shall be precluded from introducing evidence, testimony, or argument regarding pretrial proceedings or issues including but not limited to discovery disputes, dispositive motion practice, or dropped claims or defenses (this does not preclude any

instruction that may be given from the Court as a result of a ruling in this case or argument based on that instruction).

2. The parties shall be precluded from introducing evidence, testimony, or argument before the jury that relates only to equitable defenses or counterclaims (i.e., evidence that does not also serve another evidentiary purpose relevant to jury issues).
3. The parties shall be precluded from introducing any argument, evidence, testimony, insinuation, reference, or assertion regarding a witness' choice to testify in his or her native or chosen language (being any language other than English).
4. The parties shall be precluded from introducing evidence, testimony, or argument referring to the role or presence in the courtroom of jury consultants or shadow jurors, or the use of focus groups or mock proceedings to assist with trial preparation, jury selection, or trial.
5. The parties shall be precluded from introducing evidence, testimony, or argument suggesting that the Eastern District of Texas is an improper or inconvenient venue in which to try this case.
6. The parties shall be precluded from introducing evidence, testimony, or argument regarding treble damages under antitrust law.

THEREFORE, the Parties respectfully request that the Court grant their Joint Motion *in Limine* and for such other and further relief to which they may be entitled. A proposed Order is attached.

Dated: November 21, 2023

/s/ David H. Reichenberg w/permission

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served on November 21, 2023, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) or via electronic transmission.

/s/ David H. Reichenberg
David H. Reichenberg

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel have complied with the meet-and-confer requirements of Local Rule CV-7(h) and (i) and that the foregoing motion is joined in its entirety by Plaintiff Dexon Computer, Inc. and Defendants Cisco Systems, Inc. and CDW Corporation.

/s/ David H. Reichenberg
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